## Massachusetts Public Health Inspector Training (MA PHIT) Food Certificate Program Day 1, Session 2

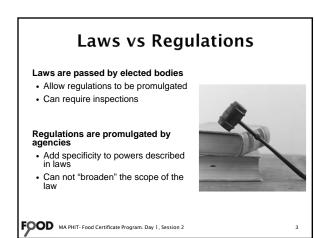
Laws and Regulations

## Laws and Regulations

- Contrast a law and a regulation
- Explain the legal authorities for retail food protection

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• Describe the recommended compliance philosophy



### Laws - Federal Examples

- Federal Food Drug and Cosmetic Act
- Fair Packaging and Labeling Act
- Nutrition Labeling and Education Act
- Dietary Supplement Health and Education Act



# Laws - MA Examples

#### MGL Ch 111, s 127A - State Sanitary Code

(MDPH) shall adopt, and may from time to time amend, public health regulations to be known as the state sanitary code . . . standards of fitness for human habitation, housing . . . farm labor camps . . . recreational camps for children . . . swimming pools, bathing beaches, family type camp grounds, and <u>sanitation standards for food service</u> <u>establishments</u> . . .

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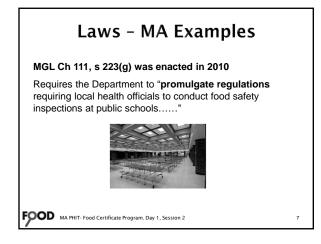
## Laws - MA Examples

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MGL Ch 111, s 127A, con't.

This section shall not be deemed to limit the right of any board of health to adopt such rules and regulations as, in its opinion, may be necessary for the particular locality under its jurisdiction.

MGL Ch 111, s 31 Boards of health may make reasonable health regulations.



## Laws vs. Regulations

MGL authorized DPH to adopt food regulations

Amending regulations is a quicker process than changing laws

•Food Code 105 CMR 590.000 is part of the State Sanitary Code Chapter X (Minimum Sanitation Standards for Food Establishments) and was amended in 2010 (food allergens) and 2011 (school kitchens)

•590 delegates administration and enforcement to the local BOH [590.010 (B)]

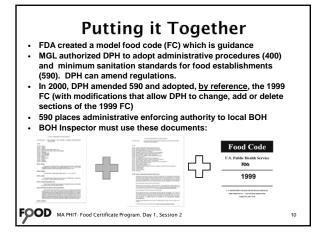
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# FDA Model Code

Five Main Food Code Interventions

- 1. Demonstration of Knowledge
- 2. Implementation of Employee Health Policies
- 3. Hands as a Vehicle of Contamination
- 4. Time/Temperature Relationships
- 5. Consumer Advisory



#### Powers and Responsibilities

- FC 8-401.10 (A)- inspection interval
- FC 8-402.11- reasonable access
- 105 CMR 400.000- administration (inspection authority)
- 105 CMR 590.013(E)- inspection report
- 105 CMR 590.013(H)- public record
- 105 CMR 590.014(B)- permit suspension

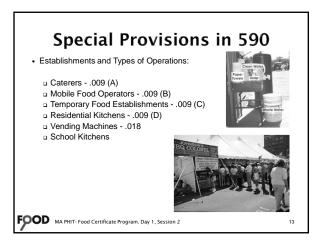
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•590.010-21	FC-8 Admin./Enforcement; Vending; FEAC

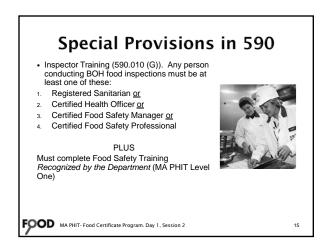
Day 1, Session 2. Laws and Regulations

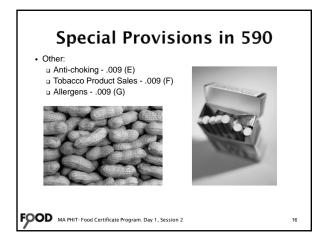


## **Special Provisions in 590**

- Management and Personnel (590.003)
- □ Person in charge (PIC) or designee
- How many?
- Age requirement?How do they demonstrate knowledge?
- □ Are there exemptions?







## How do I use the FC and 590?

- Rely on the FC as the main document for looking up provisions
- Feel free to mark up 590 with insert labels, notes, or reminders
- Use the Food Code Comparison Guide



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- Reinspection (possibly ticket)
- Correction Order (certified mail)
- Hearings
- License restriction or suspension
- Court complaint

